IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 30501 of 2006(F)

PETITIONER:

GEESON VARGHESE, KODIYANVEEDU,
KUZHUPPILLY, ERNAKULAM DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

1. DEPUTY TAHSILDAR (RR), KOCHI.

2. VILLAGE OFFICER, KUZHUPPILLY VILLAGE,
KOCHI TALUK, ERNAKULAM DISTRICT.

3. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
PALARIVATTOM, ERNAKULAM.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
GOVERNMENT PLEADER SRI. T.T. MAHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.30501/2006

APPENDIX

EXT.P1: COPY OF JUDGMENT IN W.P.(C) NO.29789/04 DATED 23.11.2004 OF THE HIGH COURT OF KERALA, ERNAKULAM.

EXT.P2: COPY OF THE NOTICE DATED 13.9.04 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.

EXT.P3: COPY OF THE NOTICE DTED 13.9.04 ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT.

EXT.P4: COPY OF THE JUDGMENT DATED 10.02.05 IN W.P.(C) NO.4741/05.

EXT.P5: COPY OF THE COMMUNICATION NO.EE-458/06 DATED 26.12.2005 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P6: COPY OF THE RECEIPT NO.85 DATED 2.5.1997 OF BOOK NO.25 OF VILLAGE OFFICE, PALLIPURAM.

EXT.P7: COPY OF RECEIPT NO.2 OF BOOK NO.47 DATED 5.5.1997 OF VILLAGE OFFICE, PALLIPURAM.

EXT.P8: COPY OF THE REVENUE RECOVERY NOTICE DATED 16.10.2006 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.

EXT.P8(a): COPY OF THE REVENUE RECOVERY NOTICE DATED 16.10.2006 ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No. 30501 OF 2006

Dated this the 6th day of December, 2007

JUDGMENT

The petitioner originally contended in this writ petition that he has paid off the entire amounts due as contributions under the Kerala Motor Transport Workers Welfare Fund Act. The Government pleader submits that all amounts paid have been accounted for, and only the balance amount has been demanded from the petitioner now. In view of the said submission, the learned counsel for the petitioner seeks permission to pay off the balance amount in instalments.

2. I have heard the learned Government pleader and the learned counsel appearing for the 3rd respondent also. In the facts and circumstances of the case, I direct the respondents to permit the petitioner to pay off the balance amount demanded now in ten equal monthly instalments starting from 1.1.2008. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner commits default in payment of any one instalment, it would be open to the

respondent to continue proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd